

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Graham S. Masters

Confirmation No.: 4856

Application No.: 09/885,902

Examiner: K. S. Lu

Filing Date: 06-20-2001

Group Art Unit: 2167

Title: A SCHEME FOR VISUALIZING SEARCH RESULT LISTS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 09-20-2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV48272424US, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
Date of Deposit: November 21, 2005

Respectfully submitted,

Graham S. Masters

By

Michael A. Papalas

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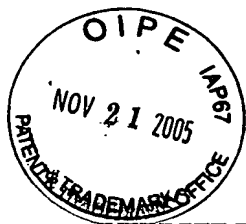
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Docket No.: 10005531-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Graham S. Masters

Application No.: 09/885,902

Confirmation No.: 4856

Filed: June 20, 2001

Art Unit: 2167

For: A SCHEME FOR VISUALIZING SEARCH
RESULT LISTS

Examiner: K. S. Lu

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on September 20, 2005, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R.

§ 41.37 and M.P.E.P. § 1206:

11/25/2005 DTESSEM1 00000019 082025 09885902

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principal place of business in Houston, Texas.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 20 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-20
4. Claims allowed: None
5. Claims rejected: 1-20

C. Claims On Appeal

The claims on appeal are claims 1-20

IV. STATUS OF AMENDMENTS

Applicant did not file an Amendment After Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims of the present application are directed to, among other things, a method for searching for documents identified in a database. One example embodiment establishes a first search criterion associated with a keyword match between a keyword entry and said identified documents (step 101 of FIGURE 1), establishes at least one additional search criterion based on a document attribute of said identified documents (step 101 of FIGURE 1, and page 6 lines 10-22), determines a criterion matching score for said identified documents for each of said established search criteria (step 104 of FIGURE 1), associates a scaling factor with each of said established search criteria (step 103 of FIGURE 1), calculates an overall matching score for selected ones of said identified documents from said determined criterion matching scores and said associated scaling factors (step 105 of FIGURE 1), and orders said selected ones of said identified documents based upon said calculated overall matching scores (step 106 of FIGURE 1).

An additional example embodiment is a search engine for recovering documents that includes an interface (200 of FIGURE 2) for receiving search criteria defining at least one keyword query and at least one document attribute query, wherein said interface receives exclusion-weighting criteria and an adjustment setting for adjusting a weighting of a search criterion of said search criteria based on said exclusion-weighting criteria defining said at least one document attribute query (202 of FIGURE 2).

A further example embodiment of the present invention is a system for searching for web pages on the Internet that includes, means for establishing at least one document attribute search query (200 of FIGURE 2), means for adjusting an importance of said at least one established document attribute search query relative to a keyword match query (202 of FIGURE 2), means for calculating a search result rank for said web pages based on said adjusted importance (901 of FIGURE 9), means for recovering web pages from the Internet based on said calculated web page search result rank (911 of FIGURE 9), and means for ordering said recovered web pages in order of decreasing value of said established web page search result rank (901 of FIGURE 9).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-3, 6, 17, 19, and 20 are Rejected as Anticipated.

B. Claims 4, 5, 7-16, and 18 are Rejected as Obvious.

VII. ARGUMENT

All claims of the present application currently stand rejected. Claims 1-3, 6, 17, 19, and 20 are rejected under 35 U.S.C. § 102(e), and Claims 4, 5, 7 – 16, and 18 are rejected under 35 U.S.C. § 103(a). The Appellant respectfully asserts that Claims 1-3, 6, 17, 19, and 20 are patentable over the art of record. The Appellant further asserts that the Examiner has not, and can not, establish a prima facie case for rejecting claims 4, 5, 7 – 16, and 18 in view of the references of record.

A. Claims 1-3, 6, 17, 19, and 20 are Rejected as Anticipated.

In the non-final Office Action mailed February 16, 2004 (“Office Action”), claims 1-3, 6, 13, 17, and 19-20 were rejected under 35 U.S.C. § 102(e) as anticipated by *Wheeler et al.* (U.S. Patent No. 6,738,759, hereinafter *Wheeler*). In the Response dated May 16, 2005 (hereinafter Response), the Appellant clearly demonstrated that each of claims 1-3, 6, 17, 19, and 20 contained limitations not taught by *Wheeler*, thus *Wheeler* did not anticipate these claims. In the Final Office Action, dated July 7, 2005 (hereinafter “Final Action”), the Examiner disagreed claiming that “the Wheeler reference overwhelmingly teaches scoring and ranking similarity, a weighted score across the reference.” The Appellant respectfully submits that the Examiner’s argument represents a mischaracterization of the claims’ limitations and of *Wheeler*’s teachings, and, that when read correctly, each of rejected claims is patentable over the *Wheeler* reference.

Claim 1 recites “establishing at least one additional search criterion based on a document attribute of said identified documents.” The Examiner claims this limitation is met by the teaching of *Wheeler* where “multiple schema search criteria [are] used for working from a lowest child/object level and up, such as using criteria incident and suspect height to further create separate relation bands incident/suspect and suspect/height is equivalent to Applicant’s establishing at least one additional search criterion based on a document attribute of said identified documents.” See Final Action at 4. However, the Appellant respectfully points out that the search criterion used by *Wheeler* and relied on by the Examiner can not meet the limitations of claim 1. Claim 1 specifically calls for search criterion based on a “document attribute,” a term defined by the specification as follows:

Herein, the terms meta data, meta attributes, and document attributes generally correspond to characteristics of a document such as age, number of incoming links, and readability, but generally do not refer to an extent of keyword matching between such document and a keyword search.

See Specification at 6. The items search criterion relied on by the Examiner, namely “incident/suspect” and “suspect/height” are clearly not “characteristics of a document such as age, number of incoming links, and readability,” but, rather, are specific data entries in a document that are the targets of “keyword matching between such document and keyword

search.” As such, they can not be used to meet the limitation “establishing at least one additional search criterion based on a document attribute of said identified documents.”

Similarly, claim 17 recites “means for establishing at least one document attribute search query.” The Examiner has used the same cited portions of *Wheeler* to meet this limitation of claim 17. However, as the arguments above demonstrate, the relied upon aspects of *Wheeler* are not “document attributes” as defined by the specification. Thus, *Wheeler* cannot be said to anticipate either claim 1 or claim 17 because it fails to teach these limitations.

Moreover, Claim 1 recites “ordering said selected ones of said identified documents based upon said calculated overall matching scores.” The Examiner first claimed that the scoring buffers of *Wheeler* “include an ordered set of scores og [sic] matching similarity of data item with search criteria,” See Office Action at 4. When the Appellant pointed out that the cited sections of *Wheeler* made no mention of ordering selected documents based upon a calculated overall matching score, the Examiner altered the rejection claiming that “the Wheeler reference overwhelmingly teaches scoring and ranking similarity, a weighted score across the reference,” and cited a “score ranking” employed by *Wheeler*’s document comparison function as evidence thereof. See Final Action at 17. However, the Appellant respectfully points out that neither of the Examiner’s citations actually teaches the limitation of claim 1, once those limitations have been properly characterized. Claim 1 orders identified documents based upon a calculated overall matching score. The score buffers of *Wheeler* make no mention whatsoever of “ordering,” and the “score ranking” of *Wheeler*’s document comparison feature merely provides a means for comparing two documents side-by-side. No aspect of *Wheeler* teaches ordering based upon overall matching scores.

Similarly, claim 17 recites “means for ordering said recovered web pages in order of decreasing value of said established web page search result rank.” The Examiner uses the same citations and evolving argument in an attempt to meet this limitation of claim 17, but, as the arguments above demonstrate, no aspect of *Wheeler* orders web pages in order of decreasing value of search result rank.

For the reasons discussed above, the Appellant respectfully asks the Board to overturn the 35 U.S.C. § 102(e) rejections of claims 1 and 17. In addition, each of claims 2-3, 6, 19, and 20 depend from either claim 1 or 17. Although each of claims 2-3, 6, 19, and 20 recite limitations that them patentable in their own right, each of claims 2, 3, 6, 19, and 20 are at least patentable for depending from a patentable base claim. Thus, the Appellant asks the Board to overturn the 35 U.S.C. § 102(e) rejections of claims 2, 3, 6, 19, and 20 as well.

B. Claims 4, 5, 7-16, and 18 are Rejected as Obvious.

1. Claim 13

Claim 13 is rejected as obvious, but the Examiner makes contradictory statements regarding the references used to make that rejection. Claim 13 was originally rejected in the Office Action as anticipated by *Wheeler*. In the Response, the Appellant amended claim 13, to more clearly describe the claimed invention, and then demonstrated that *Wheeler* did not teach all of the limitations recited. In the Final Action, the Examiner at first claimed that the Appellant's amendments to claim 13 raised new issues and changed the rejection to one under 35 U.S.C. § 103(a) combining *Wheeler* with *Lin et al.* (U.S. Patent No. 6,675,159, hereinafter *Lin*) (a reference previously recited in conjunction with a rejection of claims 7-12, and 16). *See* Final Action at 2. In the body of the Final Action, however, the Examiner actually combines *Wheeler* with Bates et al., U.S. Patent No. 6,088,707 (hereinafter *Bates*), a heretofore un-cited reference. The Appellant does not know if the Examiner intended to reject claim 13 in light of *Wheeler* and *Lin*, *Wheeler* and *Bates*, or some combination of all three. However, the Appellant respectfully asserts that the Examiner has failed to establish a prima facie case for rejecting claim 13 using any combination of these three references. Further, the Appellant respectfully asserts that no such showing can be made, as claim 13 recites limitations not taught or suggested by any of the three references.

To establish a prima facie case of obviousness, three basic criteria must be met. *See In re Fine*, 837 F.2d 1071 (Fed Cir. 1988). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all the claim limitations. Amended claim 13 recites “an interface for receiving search criteria defining at least one keyword query and at least one document attribute query, wherein said interface receives exclusion-weighting criteria.” As demonstrated above, no aspect of *Wheeler* teaches or suggests a search criteria defining a document attribute query, as that term is defined by the specification. Although not relied on to do so, the Appellant respectfully asserts that neither *Lin* nor *Bates* teach or suggest these claim limitations either.

Moreover, the Final Action attempts to meet the “exclusion-weighting criteria” of claim 13 by claiming that “Bates teaches text search may include or exclude a specific text.” See Final Action at 12. However, even if *Bates* could be shown to make such a teaching, the exclusion of specific term from a text search is not “exclusion-weighting,” as “weighting” requires more than just the ability to exclude. The Examiner concedes that *Wheeler* does not teach or suggest this limitation, and, though not relied on to do so, the Appellant respectfully asserts that *Lin* does not teach or suggest this limitation either. Thus, not only has the Examiner failed to establish a prima facie case for any combination of these three references, no such showing can be made since claim 13 recites limitations not taught or suggested by any of the three. The Appellant respectfully asks the Board to overrule the rejection of claim 13.

2. Claims 14-15 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Talib et al.* (U.S. Patent Publication No. 2001/0049677, hereinafter *Talib*).

Claims 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Talib*. Claims 14-15 depend directly from claim 13. As such, claims 14-15 comprise all limitations of base claim 13 from which it depends. As shown above, *Wheeler* does not teach or suggest the claim 13 limitation of “an interface for receiving search criteria defining at least one keyword query and at least one document attribute query, wherein said interface receives exclusion-weighting criteria.” Accordingly, *Wheeler* does not teach or suggest all limitations of claim 13. *Talib* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claims 14-15. Thus, *Wheeler* in view of *Talib* does not teach or suggest all claim limitations of claims 14-15. Accordingly, claims 14-15 are not

obvious over the cited references, and the Appellant respectfully asks the Board to overturn the rejection.

Claim 18 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Talib*. Claim 18 depends directly from claim 17. As such, claim 18 comprises all limitations of base claim 17 from which it depends. As shown above, *Wheeler* does not teach or suggest at least the claim 17 limitation of “means for establishing at least one document attribute search query,” nor the limitation of “means for ordering said recovered web pages in order of decreasing value of said established web page search result rank.” Accordingly, *Wheeler* does not teach or suggest all limitations of claim 18. *Talib* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claim 18. Thus, *Wheeler* in view of *Talib* does not teach or suggest all claim limitations of claim 18. Accordingly, claim 18 is not obvious over the cited references, and the Appellant respectfully asks the Board to overturn the rejection of claim 18.

3. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Weiss et al.* (U.S. Patent Publication No. 2002/0138487, hereinafter *Weiss*).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Weiss*. Claim 4 depends indirectly from claim 1. As such, claim 4 comprises all limitations of base claim 1 from which it depends. As shown above, *Wheeler* does not teach or suggest at least the claim 1 limitation of “establishing at least one additional search criterion based on a document attribute of said identified documents,” nor the limitation of “ordering said selected ones of said identified documents based upon said calculated overall matching scores.” Accordingly, *Wheeler* does not teach or suggest all limitations of claim 4. *Weiss* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claim 4, thus, *Wheeler* in view of *Weiss* does not teach or suggest all claim limitations of claim 14. Accordingly, claim 14 is not obvious over the cited references, and the Appellant respectfully asks the Board to overturn the rejection of claim 4.

4. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Barr et al.* (U.S. Patent No. 5,742,816, hereinafter *Barr*).

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Barr*. Claim 5 depends indirectly from claim 1. As such, claim 5 comprises all limitations of base claim 1 from which it depends. As shown above, *Wheeler* does not teach or suggest at least the claim 1 limitation of “establishing at least one additional search criterion based on a document attribute of said identified documents,” nor the limitation of “ordering said selected ones of said identified documents based upon said calculated overall matching scores.” Accordingly, *Wheeler* does not teach or suggest all limitations of claim 5. *Barr* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claim 5, thus, *Wheeler* in view of *Barr* does not teach or suggest all claim limitations of claim 5. Accordingly, claim 5 is not obvious over the cited references, and Appellant respectfully asks the Board to overturn the rejection.

5. Claims 7-12 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Lin et al.* (U.S. Patent No. 6,675,159, hereinafter *Lin*).

Claims 7-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Lin*. Claims Each of claims 7-12 depend indirectly from claim 1. As such, claims 7-12 comprises all limitations of base claim 1 from which they depend. As shown above, *Wheeler* does not teach or suggest at least the claim 1 limitation of “establishing at least one additional search criterion based on a document attribute of said identified documents,” nor the limitation of “ordering said selected ones of said identified documents based upon said calculated overall matching scores.” Accordingly, *Wheeler* does not teach or suggest all limitations of claims 7-12. *Lin* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claims 7-12, thus, *Wheeler* in view of *Lin* does not teach or suggest all claim limitations of claims 7-12. Accordingly, claims 7-12 are not obvious over the cited references, and the Appellant respectfully asks the Board to overturn the rejections.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wheeler* in view of *Lin*. Claim 16 depends directly from claim 13. As such, claim 16 comprises all limitations of base claim 13 from which it depends. As shown above, *Wheeler* does not teach or suggest at least the claim 13 limitation of “an interface for receiving search criteria defining at least one keyword query and at least one document attribute query, wherein said

interface receives exclusion-weighting criteria.” Accordingly, *Wheeler* does not teach or suggest all limitations of claim 16. *Lin* is not relied upon as curing at least this deficiency of *Wheeler* with respect to claim 16, thus, *Wheeler* in view of *Lin* does not teach or suggest all claim limitations of claim 16. Accordingly, claim 16 is not obvious over the cited references, and the Appellant respectfully asks the Board to overturn the rejection.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Applicant on May 16, 2005.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no associated Appendix is included.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482724242US, in an envelope addressed to: MS Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: November 21, 2005

Typed Name: Susan Bloomfield

Signature: Susan Bloomfield

Respectfully submitted,

By 

Michael A. Papalas
Attorney/Agent for Applicant(s)
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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/885,902

1. A method for searching for documents identified in a database, the method comprising the steps of:
 - establishing a first search criterion associated with a keyword match between a keyword entry and said identified documents;
 - establishing at least one additional search criterion based on a document attribute of said identified documents;
 - determining a criterion matching score for said identified documents for each of said established search criteria;
 - associating a scaling factor with each of said established search criteria;
 - calculating an overall matching score for selected ones of said identified documents from said determined criterion matching scores and said associated scaling factors; and
 - ordering said selected ones of said identified documents based upon said calculated overall matching scores.
2. The method of claim 1 wherein said database is accessible from a web site and said identified documents are web pages.
3. The method of claim 2 wherein said step of establishing at least one additional search criterion comprises the step of:
 - establishing a search criterion based on a creation date of said identified documents.
4. The method of claim 2 wherein said step of establishing at least one additional search criterion comprises the step of:
 - establishing a search criterion based on a number of incoming links to said identified documents.
5. The method of claim 2 wherein said step of establishing at least one additional search criterion comprises the step of:
 - establishing a search criterion based on a readability of said identified documents.

6. The method of claim 2 wherein said associating step comprises the step of:
adjusting a scaling factor for at least one of said established search criteria.
7. The method of claim 6 further comprising the step of:
modifying said adjusted scaling factor in at least two successive searching operations.
8. The method of claim 6 wherein said adjusting step comprises the step of:
manually adjusting said scaling factor.
9. The method of claim 6 wherein said adjusting step comprises the step of:
automatically adjusting said scaling factor.
10. The method of claim 6 further comprising the step of:
selecting a numerical range for a criterion matching result of at least one of said
established search criteria.
11. The method of claim 10 wherein said determining step comprises the steps of:
mapping said criterion matching result into said selected numerical range;
selecting an origin offset associated with said mapped criterion matching result; and
adding said mapped criterion matching result and said selected origin offset.
12. The method of claim 2 wherein said calculating step comprises the steps of:
multiplying each said determined criterion matching score by its associated scaling
factor;
squaring each said multiplied determined criterion matching score;
summing said squared multiplied determined criterion matching scores; and
determining a square root of said summed squared multiplied determined criterion
matching scores.

13. A search engine for recovering documents, the search engine comprising:
an interface for receiving search criteria defining at least one keyword query and at least one document attribute query, wherein said interface receives exclusion-weighting criteria; and

an adjustment setting for adjusting a weighting of a search criterion of said search criteria based on said exclusion-weighting criteria defining said at least one document attribute query.

14. The search engine of claim 13 wherein said search engine operates in conjunction with a world wide web browser and said documents are web pages.

15. The search engine of claim 13 further comprising:
a document rank calculator for determining a rank of a document of said documents based on said adjusted weighting of said search criterion defining said at least one document attribute query.

16. The search engine of claim 13 further comprising:
a normalization algorithm for mapping a naturally occurring numeric range of results returned for said search criterion defining said at least one document attribute query into a user-defined range.

17. A system for searching for web pages on the Internet, the system comprising:
means for establishing at least one document attribute search query;
means for adjusting an importance of said at least one established document attribute search query relative to a keyword match query;
means for calculating a search result rank for said web pages based on said adjusted importance;
means for recovering web pages from the Internet based on said calculated web page search result rank; and
means for ordering said recovered web pages in order of decreasing value of said established web page search result rank.

18. The system of claim 17 wherein said at least one document attribute search query comprises:

a search query directed to a creation date of a web page of said web pages.

19. The system of claim 17 wherein said adjusting means comprises:
means for generating a scaling factor proportional to said adjusted importance of said at least one document attribute search query.

20. The system of claim 19 wherein said generating means comprises:
a user-data input mechanism.

APPENDIX B

None.

Application No.: 09/885,902

Docket No.: 10005531-1

APPENDIX C

None.